

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:20-cr-20120

v.

Honorable Thomas L. Ludington  
United States District Judge

RYAN LEE VANOCHTEN,

Defendant.

/

**ORDER GRANTING MOTION TO CORRECT SENTENCE**

This matter is before this Court upon the Government's and Defendant's Joint Motion to Correct Sentence, ECF No. 45. On August 19, 2021, Defendant Ryan Lee Vanochten was sentenced to 45 months incarceration after pleading guilty to one count of possession with intent to distribute methamphetamine over 50 grams in violation of 21 U.S.C. § 841(a)(1). ECF No. 44. On August 27, 2021, the Government and Defendant filed a joint motion for a one-year reduction in Defendant's supervised release under Federal Rule of Criminal Procedure 35(a). ECF No. 45.

Defendant was sentenced to four years of supervised release. *Id.* In their Joint Motion, the parties note that the probation officer at sentencing "advised the Court and parties" that the statute required four years of supervised release. *Id.* at PageID.202. But the parties agree that, after *United States v. Wylie*, 991 F.3d 861 (7th Cir. 2021), this Court has the discretion to impose three years of supervised release because Defendant qualifies for the 18 U.S.C. § 3553(f) safety valve. *Id.*

This Court "may correct a sentence that resulted from arithmetical, technical, or other clear error" within 14 days after sentencing. FED. R. CRIM. P. 35(a). This Court imposed a four-year term of supervised release based on the mistaken belief that the four-year term was mandatory. This Court has until September 2, 2021 to correct that sentence.

The Government and Defendant have agreed that this Court's mistaken belief constitutes "clear error" and thus, jointly request this Court to replace Defendant's four-year term of supervised release with a three-year term. ECF No. 45 at PageID.204–05 (citing *United States v. Mayes*, 1998 WL 552673, at \*3 n.3 (6th Cir. 1998) (citation omitted)). This Court agrees. A three-year term of supervised release will be imposed.

Accordingly, **IT IS ORDERED** that the Joint Motion to Correct Sentence, ECF No. 45, is **GRANTED**.

Further, **IT IS ORDERED** that an amended judgment shall be issued that reduces Defendant's term of supervised release to three years.

Dated: September 1, 2021

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge